

As a family member with a son diagnosis with a serious disabling mental illness (SDMI) and currently in the criminal justice system due to his illness (Guilty But Mentally Ill), and for the past and future families that might have to experience this devastating illness, I'm pleading for your help in either modifying our current laws or preventing implementing laws that will have a tremendous and serious effect on citizens of Montana with serious health issues.

1. New Law regarding people with mental illnesses, mental disorders, developmental disorders, traumatic brain disorders, and Alzheimer's disorders, should not be charged for a felony if an incident happens when a person is in a psychiatric or behavioral health facility or a facility that treats such types of disorders, and there is **documentation** of at least one element below:
 - a. Involuntary, voluntary or emergency commitment situations, or court order;
 - b. exhibiting unstable, or volatile behavior;
 - c. there has been a recent change of prescribed medication in an effort to stabilize person;
 - d. the person is in a facility needing 24 hour medical/mental health care.

This is in response to the Montana Nurses Association requesting the law "Our Nurses Wear Combat Boots". State of Montana currently has two different types of assault laws in its code which does not prevent anyone from reporting an assault to the police/county attorneys, 45-2-201 MCA Assault, and 45-2-202 MCA Aggravated Assault.

Our families with children, and spouses that have a SDMI, continue to fight discrimination within our own families, in our communities, and now within our care providers who choose to work in these types of fields. Please help our families eliminate from continuing to be criminals for the rest of their lives when in crisis and seeking treatment and help.

2. Regarding 53-21-102(4) "Commitment" – MT Supreme Court asking legislature to define "commitment date" - make it (4)(a) – "commitment date is the day the judge dates and signs the order of commitment".

This prevents a governmental entity from manipulating when a person can receive care, prevents a person from sitting in a facility such as a jail, prison, correctional facility or contracted correctional facility, or emergency room or community crisis facility, or hospital facility, or community behavioral health facility from continuing to decompensate.

3. Exclude people with SDMI, mental disorders, traumatic brain disorders, developmental disorders, and Alzheimer disorders, from 46-13-108 MCA Persistent Felony Offender Status.

People with SDMI, mental disorders, developmental disorders, traumatic brain disorders and Alzheimer's disorders which affect their ability to reason logically or these disorders have such a substantial adverse effect on an individual's cognitive or volitional function, and deemed by our government as being disabled should not continually be discriminated against with such a severe penalty that marks them for life.

4. Change 46-14-312 to prevent the transfer of a person with SDMI, mental disorders, traumatic brain disorders, developmental disorders, and Alzheimer's disorders to any correctional facility. Transfer can only be to another facility that treats these disorders.

Due to the current the law if a person is sentenced to the Director of DPHHS, under certain conditions a person can be transferred to another facility, which may not include adequate care or treatment for a person's disorder. In fact, a person (and there are cases in MT) can be transfer to a prison and treatment and adequate care may not happen, (current lawsuit against State of MT – transfer of mentally ill to the prison, treatment of mentally ill prisoners at MT Dept. of Correction.)

5. Require all caregivers working in facilities that treat SDMI, mental disorders, traumatic brain disorders, developmental disorders and Alzheimer disorders be trained in de-escalation skills and require refreshment courses annually.

All of these requests are controversial. These requests are about humanitarian reforms in hopes of either eliminating the discrimination in the criminal justice system in the continuance of making people with mental illnesses criminals due to their illnesses, and serving longer sentences than those without disabilities of SDMI, mental disorders, developmentally disabled or Alzheimer's, traumatic brain disorders. These reforms will help in preventing people with such disabilities decompensate to such a pathetic state of mental or physical uncertainty by making sure swift and adequate care is given.

Thank you for your consideration in these matters.

Sincerely,

Patti Jacques

Mother and advocate for people with SDMI